

MEETINGS TO DATE 8
NO. OF REGULARS 7
NO. OF SPECIALS 1

LANCASTER, NEW YORK
APRIL 6, 1987

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 6th day of April 1987, at 8:00 P.M. and there were

PRESENT: RONALD A. CZAPLA, COUNCILMAN
ROBERT H. GIZA, COUNCILMAN
DONALD E. KWAK, COUNCILMAN
JOHN T. MILLER, COUNCILMAN
STANLEY JAY KEYSA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
RICHARD J. SHERWOOD, TOWN ATTORNEY
ROBERT L. LANEY, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER
MALCOLM J. FRANCIS, JR., ASSESSOR
NICHOLAS LO CICERO, DEPUTY TOWN ATTORNEY

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M., the Town Board held a Public Hearing to hear all Interested persons upon the repeal of Chapter 21, "Floodplains" of the Code of the Town of Lancaster, and the proposed enactment of Local Law No. 1 of the Year 1987, entitled "Floodplains", Chapter 21 of the Code of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

NONE

OPPOSERS

NONE

QUESTIONS

Theodore Brunea
Gloria Kubicki

ADDRESS

599 Harris Hill Rd., Lancaster, N.Y.
15 Maple Drive, Lancaster, N.Y.

PUBLIC HEARING SCHEDULED FOR 8:15 P.M. CONT'D:

ON MOTION BY COUNCILMAN KWAK, AND SECONDED BY COUNCILMAN MILLER AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:50 P.M.

The Town Board, later in the meeting, adopted a resolution hereinafter spread at length in these minutes approving this Local Law.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board, held on March 16, 1987, and the minutes from the Joint Meeting of the Town Board and the Planning Board of the Town of Lancaster, held on April 1, 1987, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

File: R-MIN

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, proposed Local Law No. 1 of the Year 1987, entitled "Floodplains" and designated Chapter 21 of the Code of said Town provides for flood damage prevention in specific areas in the Town of Lancaster, and was introduced to the Town Board on March 16, 1987, by Councilman Czapla, and

WHEREAS, a Public Hearing was duly called and held pursuant to Law on April 6, 1987, for the purpose of repealing the present Chapter 21, of the Code of the Town of Lancaster, entitled "Floodplains Ordinance", and enacting in place thereof Local Law No. 1 of the Year 1987, entitled "Floodplains" and designated Chapter 21 of said Code,

NOW, THEREFORE, BE IT

RESOLVED that the "Floodplains Ordinance" of the Town of Lancaster, designated Chapter 21 of the Code of said Town, be and hereby is repealed and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster hereby ENACTS Local Law No. 1 of the Year 1987, entitled "Floodplains" and designated Chapter 21 of the Code of the Town of Lancaster, as follows:

FLOODPLAINS

LOCAL LAW NO. 1
OF THE YEAR 1987

A LOCAL LAW TO PROVIDE FOR FLOOD DAMAGE PREVENTION
IN SPECIFIC AREAS IN THE TOWN OF LANCASTER.

- §21-1. Statutory authorization.
- §21-2. Purpose
- §21-3. Methods of reducing flood losses.
- §21-4. Definitions.
- §21-5. Applicability.
- §21-6. Basis for establishing areas of special flood hazard.
- §21-7. Compliance required; penalties for offenses.
- §21-8. More stringent restrictions to prevail.
- §21-9. (Reserved)
- §21-10. Disclaimer of liability.
- §21-11. Development permit required.
- §21-12. Designation of Building Inspector.
- §21-13. Duties and responsibilities of Building Inspector.
- §21-14. Variance procedure.
- §21-15. General standards.
- §21-16. Specific standards.
- §21-17. Floodways
- §21-18. Severability.
- §21-19. When effective.

§21-1. Statutory authorization.

Pursuant to Town Law §130, Subdivision 15, the Legislature of the State of New York has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. The Town Board of the Town of Lancaster does, therefore, in the interest of promoting same, ordain as follows.

§21-2. Purpose.

It is the purpose of this ordinance to promote the public health, safety, general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health.
- B. Minimize expenditures of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§21-3. Methods of reducing flood losses.

In order to accomplish its purposes, this Local Law includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.
- D. Controlling filling, grading, dredging and other development which may increase flood damage.
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert

§21-4. Definitions.

APPEAL - means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

AREA OF SHALLOW FLOODING - means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in A1-99, V, VO, VE, or VI-30. It is also commonly referred to as the base floodplain or 100-year floodplain.

BASE FLOOD - means the flood having a one percent chance of being equalled or exceeded in any given year.

BASEMENT - means that portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING - means any structure built for support, shelter or enclosure for occupancy or storage.

CELLAR - has the same meaning as "Basement".

COASTAL HIGH HAZARD AREA - means the area subject to high velocity waters including, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI - 30, VE, VO, or V.

DEVELOPMENT - means any man

FLOOD HAZARD BOUNDARY MAP (FHBM) - means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

FLOOD INSURANCE RATE MAP (FIRM) - the official map of a community on which the Federal Emergency Management Agency, has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevations of the base flood.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - has the same meaning as "Regulatory Floodway".

FLOOR - means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

LOWEST FLOOR - means lowest level including basement or cellar of the lowest enclosed area. An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

MANUFACTURED HOME - means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be

NEW CONSTRUCTION - means structures for which the "start of construction commenced on or after the effective date of this Local Law.

PRINCIPALLY ABOVE GROUND - means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

100-YEAR FLOOD - has the same meaning as "Base Flood."

REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in §21-13B of this Local Law.

SAND DUNES - means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION - means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds) storage trailers, and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

STRUCTURE - means a walled and roofed building, a manufactured home or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL IMPROVEMENT - means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) before the improvement or repair is started; or
- 2) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to commence

§21-5. Applicability.

This Local Law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Lancaster.

§21-6. Basis for establishing areas of special flood hazard.

- A. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled the "Flood Insurance Study for the Town of Lancaster," dated June 1981, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps, and any revisions thereto, is hereby adopted by reference and declared to be a part of this Local Law. The Flood Insurance Study is on file at the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.
- B. This Local Law is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986, and shall supercede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.

§21-7. Compliance required; penalties for offenses.

No structure shall hereafter be constructed, located, extended converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Local Law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Lancaster from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Local Law for which the developer and/or owner has not applied for and received an approved variance under Section 21-14 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§21-8. More stringent restrictions to prevail.

This Local Law is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Local Law and other ordinances, easement covenant or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§21-9. (Reserved)

§21-10. Disclaimer of liability.

The degree of flood protection required by this Local Law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Local Law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Local Law shall not create liability on the part of the Town of Lancaster, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Local Law or any administrative decision lawfully made thereunder.

§21-11. Development permit required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in §21-6. Application for a development permit shall be made on forms furnished by the Building Inspector and shall include but shall not be limited to plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; and existing or proposed structures, fill, storage of materials and drainage facilities.

- A. The Building shall consider the type of proposed construction or development, the magnitude of same as well as the location in evaluating applications for development permits and determining whether a particular project will have an impact upon flood heights.
- B. A permit is required for all structural activities. These consist of walled and roofed buildings of any type, including manufactured homes intended for residential, commercial or industrial purposes, and gas or liquid storage tanks.
- C. The following information shall be required of all applications involving structural activities:
 - 1) Elevation, in relation to mean sea level, of the lowest floor, including basement, of all structures.
 - 2) Elevation, in relation to mean sea level, to which any structure has been floodproofed.

- 4) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in §21-15-C.
 - 5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- D. Upon placement of the lowest floor, or flood-proofing by whatever means, it shall be the duty of the permit holder to submit to the Building Inspector a certificate of the elevation of the lowest floor, or flood-proofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Building Inspector shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

§21-12. Designation of the Building Inspector.

The Building Inspector is hereby appointed to administer and implement this Local Law by granting or denying development permit applications in accordance with its provisions.

§21-13. Duties and Responsibilities of Building Inspector.

- A. Duties of the Building Inspector shall include, but not be limited to:

PERMIT APPLICATION REVIEW

- (1) Review all development permit applications to determine that the requirements of this Local Law have been satisfied.
- (2) Review all development permit applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this Local Law, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.
 - (a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this Local Law.
 - (b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

- B. Use of other base flood data. When base flood elevation data has not been provided in accordance with §21-6, Basis for establishing areas of special flood hazard, the Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer §21-16A and B and §21-17A, B and C.
- C. Information to be obtained and maintained. The duties of the Building Inspector shall also include:
- (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement.
 - (2) For all new or substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation, in relation to mean sea level.
 - (b) Maintain the floodproofing certifications required in §21-11C(3).
 - (c) Maintain for public inspection all records pertaining to the provisions of this ordinance including variances and Certificates of Compliance.
- D. Alteration of watercourses. The duties of the Building Inspector shall also include:
- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a water course, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.
 - (2) Require that maintenance is provided within the altered or relocated portion of said water course so that the flood carrying capacity is not diminished.
- E. Interpretation of firm boundaries. The Building Inspector shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.
- Base flood elevation data established pursuant to §21-6, and or §21-13B, when available, shall be used to accurately delineate the area of special flood hazards.
- The Building Inspector shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood elevations are not available.
- F. Stop Work Orders.
- (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop work order by the Building Inspector. Disregard of a stop work order shall be subject to the penalties described in §21-7 of this Local Law.
 - (2) All floodplain development found noncompliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop work order by the Building Inspector. Disregard of a stop work order shall be subject to the penalties described in §21-7 of this Local Law.

G. Inspections.

The Building Inspector and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the Development permit or the approved variance.

H. Certificate of Compliance.

- (1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued by the Building Inspector stating that the building or land conforms to the requirements of this Local Law.
- (2) All other development occurring within the designated flood hazard area will have upon completion a Certificate of Compliance issued by the Building Inspector.

All certifications shall be based upon the inspections conducted subject to §21-13G and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

§21-14. Variance procedure.

A. Appeal Board.

- (1) The Appeal Board, as established by the Town Board, shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Town Board in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Town Board, or any taxpayer, may appeal such decision to the appropriate judicial forum as established by law.
- (4) In passing upon such applications, the Town Board of the Town of Lancaster shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Local Law, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others.
 - (b) The danger to life and property due to flooding or erosion damage.
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner

- (g) The compatibility of the proposed use with existing and anticipated development.
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area.
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
 - (l) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
- (5) Upon consideration of the factors of Subsection A(4) and the purposes of this Local Law, the Town Board of the Town of Lancaster may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) The Town Clerk shall maintain the records of all appeal actions, including technical information and report any variances to the Federal Emergency Management Agency.
- B. Conditions for variances.
- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that §21-14A(4)(a) through (1) has been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
 - (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause.
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in §21-14A(4) or conflict with existing local laws or ordinances.
- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (a) The criteria of subparagraphs 1, 3, 4 and 5 of this section are met;
 - (b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

§21-15. General Standards.

In all areas of special flood hazard, the following standards are required:

A. Anchoring.

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or two (2) feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

- (1) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters; and
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

- (1) All subdivision proposals, which, for purposes of this Local Law, shall mean the division of a parcel of land into two (2) or more separate lots for resale purposes, shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or 5 acres.

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood carrying capacity of the area of special flood hazards set forth in §21-13, Permit Review. This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to §21-13B or §21-15D and no floodway has been determined the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

- (3) In all areas of the special flood hazard where floodway data is provided or available pursuant to §21-13B the requirements of §21-17, Floodways, shall apply.

§21-16. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in §21-6, Basis for Establishing the Areas of Special Flood Hazards, and §21.13B Use of Other Base Flood Data, the following standards are required:

A. Residential Construction.

New construction and substantial improvements of any resident structure shall:

- (1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.
- (2) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
 - (c) Openings may be equipped with louvers, valves screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

B. Nonresidential construction.

New construction and substantial improvements of any commercial, industrial or other non-residential structure, together with attendant utility and sanitary facilities shall either: have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No. 1 of the Year 1987 on the Town Bulletin Board;
2. Within ten (10) days, publish a certified copy of the Local Law or abstract thereof, describing the same in general terms in the Lancaster Bee, hereby declared the official newspaper for this publication;
3. Maintain a file in the Town Clerk's Office on Local Law No. 1 of the Year 1987, with all proofs of publication and posting required for adoption;
4. File certified copies of the Local Law No. 1 of the Year 1987, within five (5) days of adoption, using the official filing form, as follows:
 - (a) One (1) copy in Town Clerk's Office
 - (b) One (1) copy with State Comptroller's Office
 - (c) Four (4) copies with Office of Secretary of State;
 - (d) One (1) copy with Erie County Department of Planning;
 - (e) One (1) copy with N.Y.State Dept. of Environmental Conservation Central Office;
 - (f) One (1) copy with N.Y.State Dept. of Environmental Conservation Regional Office, attn: Rebecca Anderson;
 - (g) One (1) copy with Federal Emergency Management Agency (FEMA).

This resolution shall take effect immediately and be the only post publication and filing required for adoption of Local Law No. 1 of the Year 1987.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

LOCAL LAW
NOTICE OF ADOPTION
TOWN OF LANCASTER

PLEASE TAKE NOTICE, that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on April 6, 1987, Local Law No. 1 of the Year 1987, entitled "Floodplains", briefly described as follows:

"A Local Law to provide for flood damage prevention
in specific areas in the Town of Lancaster."

State of New York :
County of Erie :
Town of Lancaster:

This is to certify that I, ROBERT P. THILL, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of Legal Notice of Adoption of Local Law No. 1 of the Year 1987, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 6th day of April, 1987.

Robert P. Thill
Town Clerk and Registrar of
Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster adopted a resolution on September 15, 1986, approving the establishment of the Lancaster Industrial Commerce Center Water District in said Town and the construction of said improvements, and

WHEREAS, said resolution provided for the assessment, levy and collection of special assessments upon the several lots and parcels in the District to be in the same manner and at same time as other Town charges, and

WHEREAS, the Town Board has determined that it is not in the public interest to have the special assessments collected on the ad valorem basis, and

WHEREAS, the Town Board has determined that rather it is in the public interest to have the special assessments collected by assessment in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby rescinds the resolution adopted September 15, 1986, approving the establishment of the Lancaster Industrial Commerce Center Water District and further withdraws the application submitted to the State Department of Audit and Control for permission to establish the aforesaid water district, and further that a new Petition for the establishment of said Water District with the same boundaries and the same plan will be submitted forthwith, and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster is hereby directed, within ten (10) days after adoption, to file two (2) certified copies

of this Resolution in the office of the State Department of Audit and Control in Albany, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, GEORGE STEPHEN, 130 Maple Drive, Bowmansville, New York,
has petitioned the Town Board of the Town of Lancaster for the rezone of
certain property located on the south side of Maple Drive South Access Road
approximately 878.09 feet west of the intersection of Maple Drive with the
center line of Maple Road, south of the New York State Thruway from an
R1-Single Family Residence District to a C1-Local Retail Business District,
and

WHEREAS, this Petition was referred to the Planning Board of the
Town of Lancaster for review and recommendation, and

WHEREAS, a Public Hearing on this Petition for proposed rezone was
held by the Town Board of the Town of Lancaster on the 6th day of October,
1986, pursuant to public notice duly published and posted; and

WHEREAS, full opportunity to be heard was given to all parties in
interest, and

WHEREAS, a review of the Petition and report of the Planning Board,
Planning Consultant and Erie County Department of Planning, and the evidence
adduced at the said Public Hearing, and the Master Plan and Master Plan
Revision and Zoning Map of the Town of Lancaster, reveals the following facts:

1. That the proposed rezone of the subject premises as a
C1-Local Business District Use is to a use which is
not presently provided for on the subject premises.
2. That the Zoning Ordinance of the Town of Lancaster was
adopted on May 24, 1961 by the Town Board of the Town
of Lancaster.
3. That there are areas within the Town of Lancaster which
are presently zoned C1-Local Retail Business District,
which would accommodate the petitioner's proposed use.
4. That the Petitioner knows the use group to which the subject
premises is zoned, that being R1-Single Family Residence
District, and the use categories within the C1 use group
as enumerated in the Town Zoning Ordinance.

WHEREAS, the proposed reclassification does not fulfill a community need, but to the contrary, only fulfills the individual petitioner's needs, and

WHEREAS, the proposed rezone is not in harmony with the comprehensive master plan for the development of the Town of Lancaster and would be inconsistent with the single-family residential dwelling units in the immediate area,

NOW, THEREFORE, BE IT

RESOLVED, that upon the testimony and evidence presented at the public hearing and based upon the foregoing findings, the petition of GEORGE STEPHEN be and hereby is denied.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED NO
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED NO

duly

The resolution was thereupon ~~unanimously~~ adopted.

April 6, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the
public interest to advertise for bids to furnish one (1) new 1987 Emergency
Medical Vehicle for use by the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders be published in the Lancaster Bee
and be posted according to Law that the Town Board will receive bids up to
8:10 o'clock P.M., Local Time on April 28, 1987, to furnish one (1) new 1987
Emergency Medical Vehicle in accordance with specifications on file in the
office of the Town Clerk, which Notice shall be in form attached hereto and
made a part hereof.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Board of the Town of Lancaster, Erie County, New York, in Room 139 at the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York, up to 8:10 o'clock P.M., Local Time, on the 28th day of April, 1987, for furnishing to the Town of Lancaster One (1) New 1987 Emergency Medical Vehicle for use by the Town of Lancaster in accordance with specifications on file in the Town Clerk's Office in the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York 14086.

A certified check in the amount of One Thousand Dollars (\$1,000.00) payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

April 6, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster adopted resolutions on September 15, 1986, approving the establishment of the Lancaster Industrial Commerce Center Water District, Drainage District and Sewer District, in said Town, and

WHEREAS, the Town Board of the Town of Lancaster, after review has determined it to be in the public interest to change the name of the aforesaid Special Districts to "Lancaster Commerce Center Water District, Drainage District and Sewer District",

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby amends the title of the Special Districts aforementioned by changing the name of said Districts from Lancaster Industrial Commerce Center Water, Sewer and Drainage Districts to "Lancaster Commerce Center Water, Sewer and Drainage Districts", and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster further directs that the Town Clerk of the Town of Lancaster hereby file within ten (10) days after adoption of this resolution, two certified copies of same in the Office of the State Department of Audit and Control at Albany, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN MILLER	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

The resolution was thereupon unanimously adopted.

April 6, 1987

- (7) That no structure shall be allowed within 45 feet of the easterly property line.
- (8) That the entire easterly property line be screened with plantings of arbor vitae at least 4 feet tall at the time of planting and spaced at 5 ft. intervals, and
- (9) Unless specifically modified by reference in this document, no sections of the Lancaster Town Code are deemed waived by this document;

and

BE IT FURTHER

RESOLVED, as follows:

1. That said amendment to the Zoning Ordinance be added in the minutes of the meeting of the Town Board of the Town of Lancaster, held on the 6th day of April, 1987;
 2. That a certified copy thereof be published in the Lancaster Bee on April 9, 1987, in form attached hereto and made a part hereof;
 3. That the Affidavit of Publication be filed with the Town Clerk;
- and
- §. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

BEGINNING at a point in the center line of Transit Road which is also the west line of Lot No. 12, distance 1,080 feet southerly from the northwest corner of said Lot 12; the area to be rezoned starts 300 feet east of the above mentioned point and thence southerly parallel to the center line of Transit Road 208.0 feet; thence easterly and parallel with the north line of Lot No. 12, a distance of 1,022.87 feet more or less to the east line of Lot No. 12; thence northerly on the east line of Lot 12, a distance of 208 feet; thence westerly and parallel with the north line of Lot No. 12, a distance of 1,022.87 feet, more or less, to the point or place of beginning.

April 6, 1987

STATE OF NEW YORK:

COUNTY OF ERIE:

TOWN OF LANCASTER:

This is to certify that I, ROBERT P. THILL, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of Zoning Ordinance and Zoning Map Amendment with the original thereof filed in my office at Lancaster, New York on the 6th day of April, 1987, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 6th day of April, 1987.

Robert P. Thill
Town Clerk and Registrar of Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TC WIT:

WHEREAS, it is essential to public safety that the Town of Lancaster continue its participation in the coordinated effort to reduce alcohol related traffic injuries and fatalities, and

WHEREAS, the County of Erie has tendered an application to the Town of Lancaster for participation in said coordinated effort for the year 1986,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute, on behalf of the Town of Lancaster, the 1986 application with the County of Erie for participation in funding of alcohol traffic safety law enforcement activities and its court component, under the 1986 STOP-DWI Program.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, a regularly scheduled meeting of the Town Board of the
Town of Lancaster was to be held on April 20, 1987, and

WHEREAS, a quorum cannot be mustered for the meeting as
originally scheduled and it is therefore necessary to schedule an alternate
date for said meeting,

NOW, THEREFORE, BE IT

RESOLVED, that the meeting of the Town Board of the Town of
Lancaster, originally scheduled for April 20, . 1987, be and is hereby
re-scheduled to be held on Tuesday, April 28, 1987, and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster, pursuant
to the provisions of the Open Meeting Law, make appropriate notification of
this re-scheduling to the news media.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, by letter dated
March 19, 1987, has requested the confirmation of one new member duly elected
to the membership of the Twin District Volunteer Fire Company,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the addition to the membership of the Twin District Volunteer Fire
Company of the following individual:

Michael Corrga
4781 Transit Road
Depew, New York 14043

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

RESOLVED, that RICHARD J. SHERWOOD, be and is hereby appointed
a member of the Assessment Review Board, for the period April 6, 1987 to
September 30, 1989 to fill the vacancy created by the resignation of Dominic
J. Terranova on December 31, 1986.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN MILLER	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

The resolution was thereupon unanimously adopted.

April 6, 1987

PREFILED RESOLUTION NO. 13

Kwak/_____ Approve Amended Residency Rule Requirement for
Town-sponsored Recreation Dept. Programs

At the request of Councilman Kwak, Prefiled Resolution No. 13 was
withdrawn pending further study and review.

TIGHT GUTTER

PREFILED RESOLUTION NO. 16

Giza/_____ Authorize Supervisor to Execute Amendatory
Agreement - CD Funds - Glendale/Parkdale
Sidewalk Project to Penora St. Project

At the request of Councilman Giza, Prefiled Resolution No. 16 was
withdrawn for further study and review.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

